

TOWN OF HAMPTON COUNCIL MEETING

April 12, 2022

A closed session of Council was held immediately preceding the regular Council meeting, commencing at 5:30 pm. A regular meeting of Council was held April 12, 2022, in Council Chambers

ATTENDANCE:

COUNCIL: Mayor Robert Doucet Deputy Mayor Jeremy Salgado
Councillor Todd Beach Councillor Ken Chorley
Councillor Kim Tompkins

STAFF: Richard Malone, Chief Administrative Officer
Megan O'Brien Harrison, Town Clerk/Communications Officer
Arthur McCarthy, Building and Development Officer
Marilyn Duplacey, Administrative Assistant Planning and Development

DELEGATIONS: Acting Sgt. Mark Ward, Hampton RCMP
Gary Hicks, Ken Oikawa, Art Caravan, Royal Canadian Legion, Branch #28
Jennifer Brown, Dillon Consulting
Laura Myers, Climate Change Initiatives

GUESTS: Paul Martin, 12 Brookview Drive
Paul Owen and Janet Randles, 29 Brookview Drive
Faith and Ashley Ashfield, 30 Brookview Drive
Matt and Angela Guptill, 142 Centennial Road
Melody and Mike Griffin, 15 Brookview Drive
Keith Lyons, 5 Brookview Drive
Jimmy Alalade, 162 Kennebecasis River Road
Chris Rendell, 24 Vernon Avenue
Mya Simpson and Radya Rifaal-Simpson, 31 Old Stagecoach Road

1. CLOSED SESSION

In accordance with Section 68(1) of the *Local Governance Act*, Mayor Doucet called the closed session to order at 5:30 p.m. and adjourned the closed session at 6:55 p.m. It was noted that Mike Raeburn, Director of Public Works and Utilities and Katie Cameron, Accounting Assistant, attended during closed session only. During that time, several issues were discussed and the confidential information from such discussions was classified as follows:

Subsection of 68 (1)	Category	# of Items
a)	Information of which that confidentiality is protected by law	2
b)	Personal information as defined by the <i>Right to Information and Protection of Privacy Act</i>	
c)	Information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract	2
d)	The proposed or pending acquisition or disposition of land	1
e)	Information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory	
f)	Information concerning legal opinions or advice provided to the local Government by its solicitor or privileged communications between solicitor and client in a matter of local government business	

- g) Litigation or potential litigation affecting the local government or any corporation referred to in subsection 8(1), the local government's agencies, boards or commissions including a matter before an administrative tribunal
- h) Access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government or access to or security of systems of the local government, including computer or communications systems
- i) Information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information
- j) Labour and employment matters, including the negotiation of collective agreements

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1. OPEN REGULAR SESSION

2. CALL TO ORDER

Mayor Doucet called the meeting to order at 7:00 pm.

3. SILENT MOMENT OF REFLECTION

Mayor Doucet requested that everyone take a moment of silent reflection.

4. DISCLOSURE OF CONFLICT OF INTEREST

Mayor Doucet will ask that anyone who has a conflict of interest declare it when they reach that item on the agenda.

5. APPROVAL OF AGENDA

Moved by Councillor Beach and seconded by Deputy Mayor Salgado that the agenda of the April 12, 2022, Council meeting be approved as presented.

MOTION CARRIED

6. DELEGATIONS AND PUBLIC HEARING

6.1 Cpl. Mark Ward, Acting Sgt. Hampton RCMP

Cpl. Mark Ward, Acting Sgt. Hampton RCMP detachment reviewed the monthly activity in the Town of Hampton for the month March. He noted that there were 20 traffic stops on William Bell Drive with the new speed limit. Most were just warning issued, but they are moving to enforcement.

The Town Clerk left the meeting. The Assistant Clerk took over minute taking.

6.2 Royal Canadian Legion, Branch #28 Hampton

Art Caravan, accompanied by Gary Hicks and Ken Oikawa, presented a request to build a 12' by 16' storage unit on the Hampton Community Centre property, 808 Main Street, preferably at the left rear side of the building. This would allow them easy access to many items used both in the Ossekeag Room and the kitchen, especially for the Cenotaph and Remembrance Day. This would eliminate transportation to and from their current storage facility. They are currently renting a 6' by 12' storage unit at a cost of \$1,320 per year but it is not large enough and

upgrading to the 12' by 13' unit is \$1,920 per year. They would build the unit on skids so that it moveable and plan for a steel roof and vinyl siding. They would bear the cost of materials.

Council asked if they would be willing to consider other locations, whether the storage was required year-round and the types of items they would be storing. They were open to all possibilities, required a year-round solution and it was primarily for items like poppy boxes, podium, racks for the wreaths and the Remembrance Day wreaths.

Moved by Deputy Mayor Salgado and seconded by Councillor Tompkins that the request of the Royal Canadian Legion, Hampton Branch #28 to build a storage unit at 808 Main Street be referred to the Leisure Services Advisory Committee for recommendation.

MOTION CARRIED

The Town Clerk returned to the meeting.

6.3 Jennifer Brown, Dillion Consulting – Public Hearing – Countryview Subdivision Mayor Doucet called the public hearing of the proposed Zoning Bylaw.

Jennifer Brown, Dillon Consulting provided a summary of the proposed by-law amendment. She noted that the application was requesting that the property be rezoned from Agriculture (AR) to One and Two Residential (R1) to allow for the development of a subdivision to have 15 residential lots. She noted that PAC had no issue with the lot be rezoned from Agriculture (AR) to One and Two Residential (R1) to facilitate residential subdivision. However, they identified issues with the site layout that would impact future development of lots. They recommend that Council approve the rezoning with section 59 agreements with specific conditions.

Council had requested the written comments and recommendations of the Planning Advisory Committee. At the PAC meeting of March 29, 2022, the following motion was made and carried:

Moved by Murray Goodman and seconded by Councillor Kim Tompkins that the Planning Advisory Committee recommend that Council approve the rezoning of PID 30003099, from Agricultural & Rural Lands (AR) to One and Two Unit Residential (R1) to facilitate the development of a residential subdivision, Subject to the Following Section 59 Conditions:

- i. The existing tree area and drainage waterway along the southwest boundary shall remain to provide a 10-metre buffer between existing development (phase 4) and proposed subdivision,*
- ii. A stormwater management plan that meets the requirements of the Town of Hampton stormwater management guidelines is submitted previous to the issuance of a development permit,*
- iii. That any work within 30 metres of the Peters brook centerline situated along the northeastern boundary of the property to meet the requirements of the Department of*

- Environment and Local Government for Watercourse and Wetland Alteration (WAWA) Regulation (90-80) - Clean Water Act,*
- iv. *An acceptable water assessment to ensure quantity and quality of potable water and possible impacts to neighbouring properties is to be carried out by a qualified professional and submitted to Planning & Development Department for review by the New Brunswick Department of Environment previous to the issuance of a Development Permit, and*
 - v. *That the developer enters into a developer's agreement with the Town of Hampton Council for the development of the property. MOTION CARRIED*

The Town Clerk read the following written comments into the record:

Delbert and Maria Tait, owners of PID 194188

They are the owners of the property to the east of the proposed rezoning property. They did not oppose the rezoning of the property PID #3003099 from agriculture to residential. As the property is developed into a residential subdivision, they asked for public access to their property to allow for future development which would include street, hydro, telephone and sewerage. They felt that the sewerage right away would be from the Northern portion of the proposed rezoning to connect to Greenfield Drive.

Peter and Kathy Guravich, 16 Greenfield Drive

They have concerns as the proposed development is significant with accompanying disruptions including increased noise levels from construction vehicles and increased traffic. They understand this is the part and parcel to any new development. They are concerned that the planned access road for the new subdivision is a single looped road that proceeds from the top of Brookview Avenue through the centre of this development and back onto Greenfield Drive. As the first people to build on Greenfield, they are concerned about this. They believe there needs to be another access point for this new residential subdivision, preferably one that connects to Centennial Road to allow for alternate traffic flow. The proposed development is more than doubling the serviced lots that would have a single access point with no shoulder or sidewalk for walking/biking. They also feel that public green space must be incorporated into the plan instead of payment in lieu. Preferably this green space would be established along the line dividing these new lots from the existing properties on Brookview Avenue. In addition they have concerns about Peters Brooks that flows through that property. There needs to be planning in place for run off that occurs in spring and after major storms.

Keith Lyons, 5 Brookview Drive

He has viewed the proposed subdivision plan and has some concerns. Part of two building lots will border his property and at least one will border directly onto the back of his lot. He would like the natural flow of the stream preserved from excessive increased water flow and any potential excess above ground water flow and possibility environmental damage from toxic substances. We would also like to see the row of trees between the lots preserved as they serve as a useful and attractive privacy for him and the new lot. He is concerned about how the new subdivision will receive its electrical service he purchased the property with the hydro easement several years ago. He does not want to have a new power line across his property, and he would not like to see a lot of

electrical construction that might harm his hoped-for privacy barrier. In addition, he is concerned about the supply of drinking water to the homes in the proposed subdivision. He wonders what hydrological studies will be done to ensure the water supply to his well and his current neighbours will not be adversely affected. He would like to know how the new subdivision will be served by sewer lines. He would like to know where the sewer outlet will run and where it will attach to the present town sewer. He feels that it is quite possible that the new sewer extension will be adjacent to this property, so this is vitally important to him. He is also concerned about the increase in vehicle traffic and noise. He is also concerned about the dust and noise from construction is disappointed that this will be happening.

Paul Owens and Janet Randles, 29 Brookview Drive

They are concerned that Brookview Drive currently ends in a cul-du-sac that provides residents with a quiet street and a safe place for families on their street to raise children. The new development would eliminate the cul-de-sac and create a loop to Greenfield Drive. This would create much more traffic and eliminate the safe place for residents to teach children to ride bikes, play hopscotch and chat with neighbours. He is concerned that if there is any blasting than there is potential for damages to foundations that border this property. They are concerned about the potential impact to the water table both with the addition of 15 new properties and also the disruption of land and construction. They are concerned about the waterway leading to the brook behind four of the properties that borders this land. They are concerned the water way could be destroyed or altered resulting in potential water issues if Brookview Drive is extended and the cul-du-sac is removed. They were concerned about preserving the trees along the brook as it is the only privacy barrier between the existing properties and the new properties. They oppose adding additional street lights when Brookview Drive is extended as darkness at light is vital for their sleep and also for enjoying the bortle 4 skies that they enjoy. They are concerned about heavy truck traffic and equipment during construction and the potential damage to the pavement. One of their main concerns is the inconvenience and loss of enjoyment of their property during this work – including noise, dust and dirt. They state that if the rezoning is approved they are asking that the subdivision be designed so that Brookview is not extended. Instead they propose that Greenwood be extended and end with a cul-de sac at the top. They felt this would reduce the reduction that this development will bring.

Mike and Melody Griffin, 15 Brookview Drive

They indicated that they have the same concerns of Paul Owen and Janet Randles and have copied their letter and added their names to it.

Ashley Ashfield, 30 Brookview Drive

She would like to request that the rezoning not be approved. She moved to Hampton for the use of the community garden and to retain wildlife in the community. She felt this development will decrease the amount of vegetation available for wildlife. Quite a few deer visit the creek in her backyard and more development could push them further out of the town limits. In the very minimum she would like the land to remain partially agricultural. She sees the benefit of the cul-de-sac remaining intact. It is a place her children have learn to ride their bikes. She felt removing the quiet cul-du-sac would be removing joy from her children's lives.

The Mayor will open the floor to comments. Individual must present at the podium. State their name and their address.

Paul Owen, 29 Brookview Drive

He reiterated his reasoning for wanted the Brookview Drive cul-de-sac to remain in place.

Matt Guptill, 142 Centennial Drive

He started that is not opposed to development however he would be concerned about water diversion from this new development. His property is zoned agricultural now and they have plans for the development of the land so he wants to make sure that there was a proper water assessment completed for the proposed development.

Ashley Ashfield, 30 Brookview Drive

She stated that her property does not border this proposed development but that it will impact her neighbour Paul Owen. She spoke of his involvement with the Astronomy Club and his ability to draw our community together. She was worried about the extra lights making his property less accessible to the skies. She felt this would impact the Town as a whole and would be a great loss to the community.

Keith Lyons, 5 Brookview

He feels he would be the neighbour that would be the most impacted. He is very concerned about the development and particular the increased runoff on the water courses. He spoke of a flooding event in the past where the street was negatively impacted.

The Mayor called three times for anyone else to speak.

Mayor Doucet provided Council an opportunity to ask questions of staff, applicant or those who had presented.

Deputy Mayor Salgado expressed concern about the brook and water.

Councillor Tompkins said she thought the concerns about light pollution was a valid point and something that she had not considered. She also raised concerns about the 30m buffer.

Councillor Beach felt that the stream was an unmapped water course and wondered whose responsibility is it to make that assessment. Jennifer Brown stated it will fall on the municipality to flag it. Town can request that the province come map it. She also clarified that the stormwater management plan was part of the subdivision approval stage.

There was a request from the floor to reopen comments.

Moved by Councillor Tompkins and seconded by Deputy Mayor Salgado to allow the public comments to be reopened.

MOTION CARRIED

Ashley Ashfield, 30 Brookview Drive

She wondered if it is possible for the number of variances to be limited. It was explained that variances will be considered by the Planning Advisory Committee during the subdivision approval process.

Paul Martin, 12 Brookview Drive

He asked for clarification on the guidelines around the watercourse and clarification on the size of a building. It was stated that the Wawa permits are issued by the Province of New Brunswick and that the minimum size of the buildings are regulated by the Zoning By-law. The developer could also institute stricter covenants.

The Mayor called three times for anyone else to speak.

The mayor adjourned the public hearing at 8:10 pm.

Moved by Councillor Tompkins and seconded by Councillor Beach that the rezoning of PID 30003099, from Agricultural & Rural Lands (AR) to One and Two Unit Residential (R1) to facilitate the development of a residential subdivision, is conditionally on the developer entering into a Section 59 agreement as per the Community Planning Act in order that the existing treed area and drainage waterway along the southwest boundary shall remain to provide a 10-metre buffer between existing development (Countryview Heights Subdivision phase 4) and any future development, and that the developer enters into a developer's agreement with the Town of Hampton Council for the development of the property.

MOTION CARRIED

6.4 Jennifer Brown, Dillion Consulting – Rezoning Application – 142 Centennial

Moved by Councillor Tompkins and seconded by Councillor Chorley that the Town of Hampton schedule a public hearing on Tuesday, May 10th, 2022, at 7 pm in Council Chambers for amendments of the Zoning By-law and Zoning Map to amend the text of the Agriculture Use definition to include Farm Gate Sales and to rezone the parcels adjacent to 142 Centennial Road, identified as (PID) 30087266, 30087258 and 30087241 from One and Two Residential (R1) to Agricultural and Rural Lands (AR) to accommodate the development of a winery.

MOTION CARRIED

Moved by Councillor Tompkins and seconded by Deputy Mayor Salgado that the Town of Hampton refer the rezoning application and proposed text amendment to the Zoning Bylaw to Planning Advisory Committee for their written comments on the proposed amendments.

MOTION CARRIED

6.5 Laura Myers, Request for the Town to consider a Climate Change Initiative

In order to prevent further global warming, every action matters. She felt that the municipalities have a huge role to play in fighting climate change. She highlighted some of the positive actions that the Town of Hampton and the Hampton community have made to date. She felt that the Town of Hampton should participate in the National Climate League. We would be the first small municipality to participate. She felt this was an essential step for Climate Action. She said that she would love to help with the collection and reporting the data.

Councillor Beach asked if the webinar that they attended a few years ago was on this topic. Ms. Myers confirmed that it was.

Moved by Deputy Mayor Salgado and seconded by Councillor Tompkins that the request of Laura Myers for the Town of Hampton to consider the following initiative National Climate League Program be referred to staff to prepare a report to be presented at the Environment Committee for a recommendation.

MOTION CARRIED

7. ADOPTION OF MINUTES

7.1 Minutes of March 8, 2022

Moved by Councillor Beach and seconded by Councillor Chorley that the minutes of the March 8 , 2022 Regular Council Meeting be adopted.

MOTION CARRIED

7.2 Minutes of March 23, 2022

Moved by Deputy Mayor Salgado and seconded by Councillor Beach that the minutes of the March 23 , 2022 Special Council Meeting be adopted.

MOTION CARRIED

8. BUSINESS ARISING FROM MINUTES

There was none.

9. CORRESPONDENCE LIST

#	From	Subject Matter	Recommendation
22-012	Connie Woodside President and CEO JA New Brunswick	Thank you for support of their JA Digital Campus Program.	Moved by Councillor Chorley and seconded by Deputy Mayor Salgado that correspondence 22-012 be received and filed. MOTION CARRIED

22-013	Nadya Savoie, NB Organ and Tissue Donation	Request for support to raise awareness for organ and tissue awareness.	Moved by Deputy Mayor Salgado and seconded by Councillor Tompkins that the Town of Hampton light the Town Hall green for the week of April 24-30th to raise awareness for organ and tissue donation awareness MOTION CARRIED
22-014	Hon. Jill Green, Minister, Department of Transportation and Infrastructure	Letter denying the Town of Hampton's request for Provincial Designated Highway funding for the years 2022 to 2024.	Moved by Councillor Chorley and seconded by Councillor Beach that correspondence 22-014 be received and filed. MOTION CARRIED
22-015	Luanne Patterson Senior System Manager Environmental Assessment, CN	Advising the Town of Hampton that CN Right- Of-Way Control activities will be taking place in our area between April and October 2022.	Moved by Councillor Beach and seconded by Councillor Chorley the Town of Hampton request that CN use mechanical means to control vegetation in the right-away portion of the rail line in the Hampton Town limits. MOTION CARRIED
22-016	Christine Gilroy, Consultation Biologist, Canadian Wildlife Services – Atlantic Region	Seeking input and involvement on the proposed Recovery Strategy for the Chimney Swift in Canada.	Moved by Councillor Beach and seconded by Deputy Mayor Salgado that correspondence 22-016 be referred to staff and to the Environment Committee. MOTION CARRIED
22-017	Andrea Watling and Jamie Gallagher, Saint John Regional Hospital Foundation	Thank you for final pledge payment for Clinic 1.	Moved by Councillor Tompkins and seconded by Councillor Beach that correspondence 22-017 be received and filed. MOTION CARRIED

10.APPROVAL OF ACCOUNTS

Moved by Councillor Chorley and seconded by Deputy Mayor Salgado that the Town of Hampton approve the General and Utilities Fund Paid Invoices from March 1 to March 31, 2022, for the amount of four hundred and ninety-two thousand, seven hundred and thirty-three dollars and nineteen cents. (\$492,733.19).

MOTION CARRIED

11.REPORTS FROM COMMITTEES

11.1 Fire-Rescue

Councillor Beach reported that March was a relatively quiet month with only 10 calls, 6 within the Town and 4 outside the limits.

11.2 EMO

Councillor Tompkins reviewed the EMO minutes. It was noted that the committee is ready in case of flooding during the Spring Freshet.

11.3 Leisure Services

Deputy Mayor Salgado stated that the Town has received a New Horizon Grant of \$25,000 for senior programming which will include senior snack and chat sessions, free pickleball sessions and senior swims. The Town also received a Queen's Platinum Jubilee Grant to celebrate with an afternoon tea and play in the park. The Age-Friendly Community Committee is working on recommendations. The next steps are to develop an action plan and implementation schedule. Then their report will be submitted to council.

11.4 Economic Development and Tourism

Councillor Beach provided an update on the Economic Development and Tourism committee. He stated that the Department of Tourism hosted a session on a new cross-department initiative called "The Invitation". The intent is to share tools, data and collateral across government departments to encourage traditional visitors, long-term visitors, and to encourage newcomers / immigration to the province.

11.5 Tourism

Councillor Beach noted that Dominique Chartrand reported plans for April 30th Food & Drink tour. There are eight participating locations, and the plan is to sell between 100 and 150 tickets. He noted that the committee was looking to add two new members.

11.6 Health Care

The Town CAO noted that the committee did not meet as they did not have a quorum. He noted that the former chair, Dale Somerville, would be attending one final meeting.

11.7 PAC

Councillor Tompkins reviewed the PAC minutes. It was noted that the motions dealt with previously in tonight's meeting.

Moved by Councillor Tompkins and seconded by Councillor Chorley that the Town of Hampton accept the Fire-Rescue, EMO, Leisure Services, , Economic Development and Tourism, Tourism Subcommittee, Health Care, and Planning Advisory committee reports as presented.

MOTION CARRIED

12. APPROVAL OF REPORTS

12.1 Dog Constable

Council reviewed the dog constable report. They requested that times of patrols as well as the dates be included in the report.

12.2 Financial Reports

Council reviewed the financial report.

12.3 Building Permit Report

Council reviewed the building report. The number of permits is down considerably from the same period last year.

12.4 Communications Report

The Communications Officer reviewed the report with Council noting that the Community Guide had been mailed out and was being well received.

Moved by Councillor Beach and seconded by Councillor Tompkins that the Town of Hampton approve the Building Inspector, Dog Constable Report, Financial and Communications Reports as presented.

MOTION CARRIED

13. BYLAWS

13.1 By-law 219-2022: A By-law to Amend Town of Hampton Zoning By-law 2016-2021

Moved by Councillor Tompkins and seconded by Councillor Beach that the Town of Hampton accept and enact the third and final reading of By-law 219-2022: A By-law to Amend Town of Hampton Zoning By-law 2016-2021.

MOTION CARRIED

13.2 By-law 220-2022: A By-law to Amend Town of Hampton Zoning By-law 2016-2021

Moved by Councillor Tompkins and seconded by Councillor Chorley that the Town of Hampton accept the first reading of By-law 220-2022: A By-law to Amend Town of Hampton Zoning By-law 2016-2021.

MOTION CARRIED

Moved by Councillor Tompkins and seconded by Deputy Mayor Salgado that the Town of Hampton accept the second reading of By-law 220-2022: A By-law to Amend Town of Hampton Zoning By-law 2016-2021.

MOTION CARRIED

14. NEW BUSINESS

14.1 Special Council Meeting

Moved by Councillor Chorley and seconded by Councillor Beach that the Town of Hampton hold a Special Council meeting at 4 pm on Wednesday, April 20th, 2022, in order to address the following items: New Brunswick Municipal Capital Borrowing Board, Community Grant Application, and After-hours answering service.

MOTION CARRIED

14.2 HR – Leave

Moved by Councillor Chorley and seconded by Deputy Mayor Salgado that the Town of Hampton approve the “Leave Without Pay” request for firefighter, Ben LeBlanc, for the period of May 31st to July 22nd, 2022.

MOTION CARRIED

14.3 Reid’s Subdivision Plan

Moved by Councillor Tompkins and seconded by Councillor Chorley that the Town of Hampton assent to the final subdivision plan, entitled “*Subdivision Plan – Reid’s Funeral Home Subdivision (DWG: 21547SDF)*” prepared Don-More Surveys & Engineering Ltd. dated April 5th, 2022, releasing an existing sewer easement (Plan 4600) and vesting a Local Government Services Easement to the Town of Hampton, subject to the following conditions:

- Plans to be signed by the respective landowner; Dyson Regular, Owner – Reid’s & Sherwood’s Funeral Home Limited.
- Commissioning of new sanitary sewer intended to replace municipal service within existing Sewer Easement.

MOTION CARRIED

14.4 Storefront Improvement

Moved by Councillor Beach and seconded by Councillor Tompkins that the Town of Hampton provide Storefront Improvement Grants to address storefront renovations and upgrades to five business applicants, as presented:

Ole’ Foggy Distillery	\$5000.00
Gridiron Brewing	\$5000.00
Loughery Law Office	\$2560.46
Lutz Parish Gerrish	\$4600.00
Town Chiropractor	\$5000.00

MOTION CARRIED

15. OUTSTANDING ISSUES

There are none.

14. AJOURNMENT

There being no further business, the meeting of Council was adjourned at 9:23 p.m.

Moved by Councillor Beach that the Town of Hampton adjourn the council meeting of April 12, 2022.

MOTION CARRIED